

Application Serial No.: 10/673,986
Response to November 2, 2006 Final Office Action

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REMARKS

Claims 1 - 3, 5 - 11, 17, and 18 are in the application. Claims 1 - 3, 8 - 10, 17, and 18 were previously presented; claims 4 and 12 - 16 are canceled, and claims 5 - 7 and 11 remain unchanged from the original versions thereof. Claims 1, 17, and 18 are the independent claims herein.

No new matter has been added to the application as a result of the present Response. Reconsideration and further examination are respectfully requested.

Claim Rejections – 35 USC § 102

Claims 1 - 3, 5 - 11, and 17 - 18 were rejected under 35 U.S.C. 102(e) as being anticipated by Becker et al., U.S. Patent No. 6,981,223. This rejection is traversed.

The pending claims 1 - 3, 5 - 11, and 17 - 18 were either previously presented or remain unchanged from the original versions thereof. None of the pending claims are amended herein. The arguments of record are incorporated herein.

In reply the Applicant's Response filed on August 14, 2006, the Final Office Action dated November 11, 2006 (hereafter, the FOA) stated:

Applicant's arguments filed 08/14/2006 have been fully considered but they are not persuasive. Applicant argues that the prior art of record, Becker does not determine availability information for each of the at least one media capability; and providing for each of said plurality of communication devices, via a user interface, an aggregated view of data indicative of said availability information for each of said at least one media capability.

Examiner respectfully disagrees as Fig.15 in Becker and Gol.15 lines 51-65 clearly discloses that Becker's system determines availability information for each of the at least one media capability.

Applicant respectfully submits that the Examiner's statements and reasoning are fatally flawed and are replete with numerous and repeated misstatements of fact. That is, the Examiner has mischaracterized the cited and relied upon Becker reference as a *matter of fact*. Thus, the basis for rejection is false and the rejection is improper.

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Applicant directs the Examiner's attention to Becker, col. 20, ln. 56 wherein it is disclosed, "[T]he pal Jane has a computer browser presence (keyboard icon) and is online and available for instant message exchange. The pal Ken is offline and has designated his SMS mobile phone (handset icon) as an offline notification device. Availability is not indicated because the SMS phone does not provide such information. The pal Lou has a J2ME mobile telephone (handset in browser icon) which is turned on, i.e. is online. No availability is indicated because the particular J2ME client in question does not provide such information. The pal Mary has a fax machine or a fax account (paper icon) which is offline--traditional fax machines and fax accounts are indicated as being offline because typically the sender of a message to the machine or account cannot know whether the intended recipient is actively monitoring these devices. The pal Lou has an email account (post box icon) which is offline--the email account is indicated as being offline because typically the sender of a message to the account cannot know whether the intended recipient is logged into his or her email server or has notification service.

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Thus, it is clear and a fact that Becker discloses each of the following:

DEVICE	ICON REPRESENTATION	AVAILABILITY
Computer browser	Keyboard	Available
SMS phone	Headset	"Not indicated because SMS phone does not provide such information"
J2ME mobile telephone	Handset in browser	"No availability is indicated because the particular J2ME client in question does not provide such information"
Fax machine or fax account		"offline—traditional fax machines and fax accounts are indicated as being offline because typically the sender of a message to the machine or account cannot know whether the intended recipient is actively monitoring these devices"
Email account	Mailbox	indicated as being offline because typically the sender of a message to the account cannot know whether the intended recipient is logged into his or her email server or has notification service

As indicated in the chart above, Becker discloses the SMS phone as a "handset" and the J2ME phone as a "handset in a browser". The "handset in a browser" icon is a phone handset encircled by a box (i.e., a browser screen). Therefore, the Examiner's statement that "the circle shown around Lou's telephone icon in Fig.15 and, on the other hand, Ken's J2ME telephone is not available and therefore Becker's system does not show a circle around Ken's telephone icon" is contrary to the plain disclosure of Becker and is thus false.

Furthermore, the Examiner's statement that, "[B]ecker's clearly discloses that his system determines availability information of the plurality of devices in col.20 lines 39-65 as throughout col.20 lines 39-65, references are stated to the fact that the plurality of devices is offline, etc. Offline is a determination of availability information" is also

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false since Becker discloses that the availability information, if available at all, is provided by the device, client, or sender, as opposed to being determined by Becker's method/system. In fact, where the device, client, or sender cannot or does not provide such availability information, none is displayed by the Becker system/method.

Thus, the Examiner's statement of, "[T]he system determines its availability by providing a circle around the telephone icon (Lou's J2ME telephone is determined to be available (i.e. turned on and is online-col.20 lines 42-44); if it is offline like Ken's, there is no circle around it as shown in Fig.15. These circles and 'available' comments of the plurality of communication devices provide an aggregated view of available information via a user interface as shown in Fig.15" is not true. This statement by the Examiner is completely false since Becker discloses that the circle around a handset, that is the handset in a browser, is merely the icon representing a J2ME telephone, not any indication of availability. Again, the SMS phone is represented by a "handset" and the J2ME phone is represented by a "handset in browser" (i.e., circle). Again, availability is provided by the monitored device, client, or sender and is not determined by the Becker system/method.

Becker fails to disclose (at least) Applicant's claimed determining availability information for each of the at least one media capability; and providing for each of the plurality of communication devices, via a user interface, an aggregated view of data indicative of the availability information for each of the at least one media capability. Therefore, Applicant respectfully submits that the basis of the Office's continued rejection of claims 1 - 3, 5 - 11, and 17 - 18 under 35 U.S.C. 102(e) are not supported by the cited and relied upon Becker.

Accordingly, Applicant requests the reconsideration and withdrawal of the rejection of claims 1 - 3, 5 - 11, and 17 - 18 under 35 U.S.C. 102(e), as well as the allowance of same.

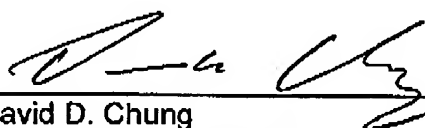
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CONCLUSION

Accordingly, Applicant respectfully requests allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (408) 492-5336.

Respectfully submitted,

2 Feb. 2007
Date



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